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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,617	12/05/2003	Mu-Lin Shen	AP4644 (15739/212)	2909
23595	7590	07/12/2004	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402				GALL, LLOYD A
ART UNIT		PAPER NUMBER		
				3676

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/729,617	SHEN, MU-LIN	
	Examiner Lloyd A. Gall	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 and 8 is/are rejected.
- 7) Claim(s) 6 and 7 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 December 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachments(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

The disclosure is objected to because of the following informalities: On page 5, line 7, "lock core" should be replaced with --core retainer--.

Appropriate correction is required.

The drawings are objected to because reference numeral 621 referred to on page 4, line 24 cannot be located. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Shen (570).

Shen (570) teaches an outside spindle 40 having an outer end with a slot 41, the spindle adapted to rotate with an outer handle 10, 20, a core engaging piece 431 on the spindle, a core retainer 30 to receive a lock core 50 and securely mounted to the spindle and including a longitudinal slot 33 aligned with the spindle slot 41, wherein the lock core is received in the slots 41, 33, and a positioning opening 341 in the core retainer 30 to receive the engaging piece 431. As seen in fig. 2, the engaging piece 431 is pressed inwardly to leave a substantially U-shaped opening, and a notch (unlabeled, and adjacent the piece 431) in the outer end of the spindle to receive a protrusion 32 of the core retainer. The lock core 50 includes a protrusion 51 to abut with an engaging section (the inward-most free end of the core retainer 30).

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Preissler et al (249).

Preissler et al teaches an outside spindle 12, a core retainer 18, a lock core 20, including an outer end of the spindle 12 adapted to turn with a handle 16, the outer end of the spindle including a slot between portions 34 in fig. 1 to align with a longitudinal slot 97 of the core retainer to receive the lock core 20, an engaging piece 46 in the spindle to engage a positioning opening 112 of the core retainer 18, the longitudinal slot 97 of the core retainer including an engaging section 122 to abut with the protrusion 86 of the lock core.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Preissler et al (249) in view of Russell et al (306).

Preissler teaches an outside spindle 12, a core retainer 18, a lock core 20, including an outer end of the spindle 12 adapted to turn with a handle 16, the outer end of the spindle including a slot between portions 34 in fig. 1 to align with a longitudinal slot 97 of the core retainer to receive the lock core 20, an engaging piece 46 in the spindle to engage a positioning opening 112 of the core retainer 18, the longitudinal slot 97 of the core retainer including an engaging section 122 to abut with the protrusion 86 of the lock core. Preissler does not teach diametrically disposed engaging pieces and diametrically disposed positioning openings. Russell et al (306) teaches diametrically disposed engaging pieces 22, 22' and diametrically disposed openings in the spindle 14 to receive the engaging pieces 22, 22'. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the engaging piece 46 and positioning opening 112 of Preissler to include diametrically disposed engaging pieces and positioning openings, in view of the teaching of Russell et al (249), the motivation being to strengthen the connection between the spindle and core retainer of Preissler et al.

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Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
June 30, 2004

Lloyd A. Gall
Lloyd A. Gall
Primary Examiner